

Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1-102. (Cancelled)

103. (Currently amended) A method of prophylactically treating a condition, comprising:

contacting a first area of a subject with a nanocrystalline metal-containing material to reduce the occurrence of the condition at a second area of the subject,

wherein:

the first area is different from the second area;

the first area comprises a mucosal membrane selected from the group consisting of the subject's oral cavity and the subject's nasal cavity;

the condition ~~is comprises a~~ microbial respiratory condition; and

the nanocrystalline metal-containing material comprises ~~a metal selected from the group consisting of silver, palladium, gold and combinations thereof.~~

104. (Currently amended) The method of claim 103, further comprising:  
recognizing a possibility for occurrence of the condition at the second area of the subject; and

after, recognizing the possibility for occurrence of the condition at the second area of the subject, selecting the first area of the subject for contact with the nanocrystalline metal-containing material to reduce occurrence of the condition at the second area of the subject.

105. (Currently amended) The method of claim 103, wherein the second area is substantially free of the condition when the first area is contacted with the nanocrystalline metal-containing material.

106. (Currently amended) The method of claim 103, wherein the second area has the condition when the first area is contacted with the nanocrystalline metal-containing material.

107. (Currently amended) The method of claim 103, wherein the nanocrystalline metal-containing material is selected from the group consisting of metals and alloys.

108. (Currently amended) The method of claim 103, wherein the nanocrystalline metal-containing material is selected from the group consisting of nanocrystalline metal oxides, nanocrystalline metal hydroxides, nanocrystalline metal nitrides, nanocrystalline metal borides, nanocrystalline metal halides, nanocrystalline metal carbides, nanocrystalline metal phosphides, nanocrystalline metal silicates, nanocrystalline metal nitrates, nanocrystalline metal carbonates, nanocrystalline metal sulfides, nanocrystalline metal sulfadiazines, nanocrystalline metal acetates, nanocrystalline metal lactates, nanocrystalline metal citrates, nanocrystalline metal myristates, nanocrystalline metal sorbates, nanocrystalline metal stearates, nanocrystalline metal oleates, nanocrystalline metal glutonates, nanocrystalline metal adipates, nanocrystalline alkali metal thiosulphates metal hydrides, and combinations thereof.

109. (Currently amended) The method of claim 103, wherein the nanocrystalline metal-containing material comprises nanocrystalline silver.

110. (Currently amended) The method of claim 103, wherein the nanocrystalline metal-containing material comprises an ionic material.

111. (Currently amended) The method of claim 103, wherein the nanocrystalline metal-containing material comprises atoms, molecules or clusters.

112. (Currently amended) The method of claim 103, wherein the nanocrystalline metal-containing material comprises an atomically disordered, ~~crystalline~~ metal-containing material.

113. (Cancelled)

114. (Cancelled)

115. (Currently amended) The method of claim 103, wherein the microbial respiratory condition comprises pneumonia.

116. (Currently amended) The method of claim 103, wherein, when contacted with the subject, the nanocrystalline metal-containing material is in a solution.

117. (Currently amended) The method of claim 116, wherein the solution contains at least about 0.001 weight percent of the nanocrystalline metal-containing material.

118. (Currently amended) The method of claim 117, wherein the solution contains about 10 weight percent or less of the nanocrystalline metal-containing material.

119. (Original) The method of claim 116, wherein the solution further comprises a solvent.

120. (Original) The method of claim 116, further comprising:  
forming the solution into an aerosol; and

inhaling the aerosol.

121. (Currently amended) The method of claim 103, wherein, when contacted with the subject, the nanocrystalline metal-containing material is disposed in a pharmaceutically acceptable carrier.

122. (Currently amended) The method of claim 121, wherein the composition contains at least about 0.01 weight percent of the nanocrystalline metal-containing material.

123. (Currently amended) The method of claim 122, wherein the composition contains about 50 weight percent or less of the nanocrystalline metal-containing material.

124. (Original) The method of claim 121, wherein the pharmaceutically acceptable carrier is selected from the group consisting of creams, ointments, gels, sprays, solutions, drops, powders, lotions, pastes, foams, liposomes and combinations thereof.

125. (Currently amended) The method of claim 103, wherein, when contacted with the subject, the nanocrystalline metal-containing material is in the form of a free standing powder.

126. (Original) The method of claim 125, wherein the free standing powder is inhaled.

127. (Original) The method of claim 103, wherein the second area comprises the subject's lungs.

128. (Original) The method of claim 127, wherein the condition is nosocomial pneumonia or ventilator-associated pneumonia.

129. (Currently amended) The method of claim 127, wherein the nanocrystalline metal-containing material is in the form of a solution when contacted with the subject.

130. (Currently amended) The method of claim 127, wherein the nanocrystalline metal-containing material is in the form of a swab, a sponge, a foam, a liposome, a tape, a pill, a capsule, a tablet, ~~a suppository~~ or a lozenge when contacted with the subject.

131. (Currently amended) The method of claim 103, wherein the first area is substantially free of the condition when the first contacted with the nanocrystalline metal-containing material.

132. (Currently amended) The method of claim 103, wherein the first area has the condition when the first contacted with the nanocrystalline metal-containing material.

133. (Currently amended) The method of claim 103, wherein the nanocrystalline metal-containing material has a prophylactic ratio of about 0.95 or less for the condition.

134. (Cancelled)

135. (Original) The method of claim 103, wherein the condition is nosocomial pneumonia or ventilator-associated pneumonia.

136. (Cancelled)

137. (Currently amended) The method of claim 103, wherein the nanocrystalline metal-containing material is in the form of a swab, a sponge, a foam, a liposome, a tape, a pill, a capsule, a tablet, a suppository or a lozenge when contacted with the subject.

138. (Currently amended) The method of claim 103, wherein the nanocrystalline metal-containing material is in the form of an aerosol, and the method further comprises inhaling the aerosol.